



General Assembly

January Session, 2009

Raised Bill No. 6560

LCO No. 3827

03827_____FIN

Referred to Committee on Finance, Revenue and Bonding

Introduced by:
(FIN)

AN ACT CONCERNING MUNICIPAL AUTHORITY TO SET FEES AND INCREASE FINES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (2) of subsection (c) of section 7-148 of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2009*):

4 (2) (A) Establish and maintain a budget system;

5 (B) Assess, levy and collect taxes for general or special purposes on
6 all property, subjects or objects which may be lawfully taxed, and
7 regulate the mode of assessment and collection of taxes and
8 assessments not otherwise provided for, including establishment of a
9 procedure for the withholding of approval of building application
10 when taxes or water or sewer rates, charges or assessments imposed
11 by the municipality are delinquent for the property for which an
12 application was made;

13 (C) Make appropriations for the support of the municipality and
14 pay its debts;

15 (D) Make appropriations for the purpose of meeting a public
16 emergency threatening the lives, health or property of citizens,
17 provided such appropriations shall require a favorable vote of at least
18 two-thirds of the entire membership of the legislative body or, when
19 the legislative body is the town meeting, at least two-thirds of those
20 present and voting;

21 (E) Make appropriations to military organizations, hospitals, health
22 care facilities, public health nursing organizations, nonprofit museums
23 and libraries, organizations providing drug abuse and dependency
24 programs and any other private organization performing a public
25 function;

26 (F) Provide for the manner in which contracts involving unusual
27 expenditures shall be made;

28 (G) When not specifically prescribed by general statute or by
29 charter, prescribe the form of proceedings and mode of assessing
30 benefits and appraising damages in taking land for public use, or in
31 making public improvements to be paid for, in whole or in part, by
32 special assessments, and prescribe the manner in which all benefits
33 assessed shall be collected;

34 (H) Provide for the bonding of municipal officials or employees by
35 requiring the furnishing of such bond, conditioned upon honesty or
36 faithful performance of duty and determine the amount, form, and
37 sufficiency of the sureties thereof;

38 (I) Regulate the method of borrowing money for any purpose for
39 which taxes may be levied and borrow on the faith and credit of the
40 municipality for such general or special purposes and to such extent as
41 is authorized by general statute;

42 (J) Provide for the temporary borrowing of money;

43 (K) Create a sinking fund or funds or a trust fund or funds or other
44 special funds, including funds which do not lapse at the end of the

45 municipal fiscal year;

46 (L) Provide for the assignment of municipal tax liens on real
47 property to the extent authorized by general statute;

48 (M) Notwithstanding any provision of the general statutes, impose a
49 surcharge on any service for which a fee is provided in the general
50 statutes, which surcharge shall not exceed the costs to the municipality
51 to provide the service for which the fee is assessed, including, but not
52 limited to, the costs of (i) reviewing and acting on applications and
53 petitions, (ii) certified mailings, (iii) publications of notices and
54 decisions, (iv) monitoring compliance with permit conditions, and (v)
55 the salary attributable to employees engaged in providing the service.

56 Sec. 2. Section 51-164n of the general statutes is repealed and the
57 following is substituted in lieu thereof (*Effective July 1, 2009*):

58 (a) There shall be a Centralized Infractions Bureau of the Superior
59 Court to handle payments or pleas of not guilty with respect to the
60 commission of infractions and violations under subsection (b) of this
61 section. Except as provided in section 51-164o, any person who is
62 alleged to have committed an infraction or a violation under
63 subsection (b) of this section may plead not guilty or pay the
64 established fine and any additional fee or cost for the infraction or such
65 violation.

66 (b) Notwithstanding any provision of the general statutes, any
67 person who is alleged to have committed (1) a violation under the
68 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
69 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
70 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,
71 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
72 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
73 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
74 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
75 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or

76 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
77 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
78 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
79 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
80 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
81 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
82 14-153 or 14-163b, a first violation as specified in subsection (f) of
83 section 14-164i, section 14-219 as specified in subsection (e) of said
84 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
85 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
86 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of
87 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,
88 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section
89 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,
90 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,
91 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,
92 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section
93 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,
94 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,
95 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
96 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,
97 20-265 or 20-324e, subsection (a) of section 20-341, section 20-341l, 20-
98 597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-
99 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,
100 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-
101 79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-
102 34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-
103 49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-
104 280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e)
105 of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415,
106 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of
107 section 22a-256h, subsection (a) of section 22a-381d, section 22a-449,
108 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-
109 65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54,

110 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131,
111 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294,
112 28-13, 29-6a, 29-109, 29-143o, 29-143z, 29-156a, subsection (b), (d), (e) or
113 (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243,
114 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11,
115 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32,
116 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-
117 52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74,
118 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273,
119 section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision
120 (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34,
121 46b-38dd, 46b-38gg, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, or
122 section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-
123 321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the
124 provisions of chapter 268, or (3) a violation of any regulation adopted
125 in accordance with the provisions of section 12-484, 12-487 or 13b-410,
126 or (4) a violation of any ordinance, regulation or bylaw of any town,
127 city or borough, except violations of building codes and the health
128 code, for which the penalty exceeds ninety dollars but does not exceed
129 [two hundred fifty] one thousand dollars, unless such town, city or
130 borough has established a payment and hearing procedure for such
131 violation pursuant to section 7-152c, shall follow the procedures set
132 forth in this section.

133 (c) If any person who is alleged to have committed an infraction or
134 any violation specified in subsection (b) of this section elects to pay the
135 fine and any additional fees or costs established for such infraction or
136 violation, he shall send payment, by mail or otherwise, to the
137 Centralized Infractions Bureau, made payable to the "clerk of the
138 Superior Court". Such payment shall be considered a plea of nolo
139 contendere and shall be inadmissible in any proceeding, civil or
140 criminal, to establish the conduct of the person, provided the
141 provisions of this section and section 51-164m shall not affect the
142 application of any administrative sanctions by either the
143 Commissioner of Environmental Protection authorized under title 26

144 or the Commissioner of Motor Vehicles authorized under title 14,
145 except that no points shall be assessed by the Commissioner of Motor
146 Vehicles against the operator's license of such person for such
147 infraction or violation. The Judicial Department shall provide notice of
148 the provisions of this subsection to law enforcement agencies and
149 direct each law enforcement agency issuing a complaint to provide
150 such notice to any person who is alleged to have committed a motor
151 vehicle infraction or violation at the time a complaint alleging such
152 conduct is issued to such person.

153 (d) If the person elects to plead not guilty, he shall send the plea of
154 not guilty to the Centralized Infractions Bureau. The bureau shall send
155 such plea and request for trial to the clerk of the geographical area
156 where the trial is to be conducted. Such clerk shall advise such person
157 of a date certain for a hearing.

158 (e) A summons for the commission of an infraction or of a violation
159 specified in subsection (b) of this section shall not be deemed to be an
160 arrest and the commission of an infraction or of any such violation
161 shall not be deemed to be an offense within the meaning of section 53a-
162 24.

163 (f) The provisions of this section shall apply to the alleged
164 commission of an infraction or a violation specified in subsection (b) of
165 this section by a minor but, in a case involving a minor, a parent or
166 guardian shall sign any plea of nolo contendere or of not guilty on any
167 summons form issued in connection with the matter.

168 (g) In any trial for the alleged commission of an infraction, the
169 practice, procedure, rules of evidence and burden of proof applicable
170 in criminal proceedings shall apply. Any person found guilty at the
171 trial or upon a plea shall be guilty of the commission of an infraction
172 and shall be fined not less than thirty-five dollars or more than ninety
173 dollars.

174 (h) In any trial for the alleged commission of a violation specified in

175 subsection (b) of this section, the practice, procedure, rules of evidence
 176 and burden of proof applicable in criminal proceedings shall apply.
 177 Any person found guilty at the trial or upon a plea shall be guilty of
 178 the commission of a violation and shall be fined not more than the
 179 statutory amount applicable to such violation.

180 Sec. 3. Section 51-164p of the general statutes is repealed and the
 181 following is substituted in lieu thereof (*Effective July 1, 2009*):

182 (a) Notwithstanding any provision of any special act, local law or
 183 the general statutes to the contrary, any violation of any ordinance,
 184 regulation or bylaw of any town, city or borough, except violations of
 185 building codes and the health code, for which the penalty does not
 186 exceed ninety dollars shall be an infraction as provided for in sections
 187 51-164m and 51-164n, as amended by this act.

188 (b) Notwithstanding any provision of any special act, local law or
 189 the general statutes, any violation of any ordinance, regulation or
 190 bylaw of any town, city or borough, except violations of building codes
 191 and the health code, for which the penalty exceeds ninety dollars but
 192 does not exceed [two hundred fifty] one thousand dollars shall be a
 193 violation as provided for in sections 51-164m and 51-164n, as amended
 194 by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	7-148(c)(2)
Sec. 2	<i>July 1, 2009</i>	51-164n
Sec. 3	<i>July 1, 2009</i>	51-164p

Statement of Purpose:

To allow municipalities to impose a surcharge for services sufficient to cover the cost of such services, and to broaden local authority to set fines for violations of ordinances by increasing the limits of those fines to one thousand dollars.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]